IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

THURSDAY, THE 13TH SEPTEMBER 2007 / 22ND BHADRA 1929

OP.No. 35679 of 2000(V)

PETITIONER:

P.SUMEDHAN,
THAIPPALAM PANAVILA VEEDU,
KODUNGAVILA P.O.,
NEYYATTINKARA, TRIVANDRUM.

BY ADV. SRI.V.G.ARUN
SRI.T.R.HARIKUMAR

RESPONDENTS:
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1. **THE STATE OF KERALA, REPRESENTED BY THE CHIEF SECRETARY TO GOVERNMENT, TRIVANDRUM.**

2. **THE SECRETARY TO GOVERNMENT, EXCISE DEPARTMENT, TRIVANDRUM.**

3. **THE COMMISSIONER OF EXCISE, STATE OF KERALA, TRIVANDRUM.**

4. **K.SASIDHARAN, PREVENTIVE OFFICER, EXCISE RANGE, KAZHAKKOOTTAM, TRIVANDRUM.**

5. **B.RADHAKRISHNAN, PREVENTIVE OFFICER, EXCISE RANGE OFFICE, VARKALA.**

BY GOVERNMENT PLEADER SMT. T.B. RAMANI
BY ADV. SRI.R.T.PRADEEP

THIS ORIGINAL PETITION HAVING COME UP FOR ADMISSION ON 13/09/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KSS

THOTTATHIL B. RADHAKRISHNAN, J.

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O.P.No.35679 of 2000-V

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Dated this the 13th day of September, 2007.

JUDGMENT

1. This writ petition filed in 2000 is essentially a complaint against the action taken against the petitioner under criminal laws. In its gist, the complaint is that the excise officials acted in excess of authority and the official respondents had falsely and baselessly booked a case against the petitioner.

2. If the petitioner was subjected to any harassment, that is a matter of which he could have complained before the Magistrate or the Court of Session where he would have been produced in connection with the crime. The other matters stated in this writ petition are essentially part of the defence that he may have in the criminal case against

him. These are not matters which require any adjudication at the hands of this Court. The materials also do not call for any direction as sought for. The writ petition fails. Dismissed.

THOTTATHIL B. RADHAKRISHNAN,
JUDGE.

Sha/-

THOTTATHIL B. RADHAKRISHNAN, J.

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O.P.No.35679 of 2000-V

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JUDGMENT

Dated: 13th September, 2007.